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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

GERALD J. TAITAGUE, M.D.

Holder of License No. **26182**
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-09-1495A

**INTERIM ORDER FOR PRACTICE
RESTRICTION AND CONSENT TO SAME**

INTERIM CONSENT AGREEMENT

Gerald J. Taitague, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Practice Restriction; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 26182 for the practice of allopathic medicine in the State of Arizona.

3. On June 4, 2009, Respondent entered into a Consent Agreement for Decree of Censure and Probation (Consent Agreement). Pursuant the Consent Agreement, Respondent is prohibited from prescribing, dispensing or administering any controlled substances for ten years. On November 10, 2009, Board Staff queried the Arizona Pharmacy Board's Controlled Substances Prescription Monitoring Program, which showed that Respondent had prescribed numerous controlled substances between July and November 2009 in violation of the Consent Agreement. Subsequently, Board Staff obtained copies of the prescriptions from the pharmacy that showed the prescriptions were written on Respondent's prescription pad. The prescriptions were dated July 16, 2009, August 19, 2009, September 14, 2009, and October 29, 2009 for #360 Oxycontin 80mg to patient JH.

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CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Executive Director may enter into a consent agreement with a physician to limit or restrict the physician's practice in order to protect the public and ensure the physician's ability to safely engage in the practice of medicine A.R.S. § 32-1451(F); A.A.C. R4-16-509.

3. Based on the information in the Board's possession there is evidence that if Respondent were to practice medicine in Arizona there would be a danger to the public health and safety.

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent shall not practice clinical medicine or any medicine involving direct patient care, and is prohibited from prescribing any form of treatment including prescription medications, until Respondent applies to the Board and receives permission to do so.

2. This is an interim order and not a final decision by the Board regarding the pending investigative file and as such is subject to further consideration by the Board.

DATED AND EFFECTIVE this 4th day of December, 2009.



ARIZONA MEDICAL BOARD

By *Lisa S. Wynn*
Lisa S. Wynn
Executive Director

CONSENT TO ENTRY OF INTERIM ORDER

1 1. Respondent has read and understands this Interim Order for Practice Restriction
2 and Consent to Same and the stipulated Findings of Fact, Conclusions of Law and Order
3 ("Interim Order"). Respondent acknowledges he has the right to consult with legal counsel
4 regarding this matter.

5 2. Respondent acknowledges and agrees that this Interim Order is entered into freely
6 and voluntarily and that no promise was made or coercion used to induce such entry.

7 3. By consenting to this Interim Order, Respondent voluntarily relinquishes any rights
8 to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this
9 Interim Order in its entirety as issued, and waives any other cause of action related thereto or
10 arising from said Interim Order.

11 4. The Interim Order is not effective until approved and signed by the Executive
12 Director.

13 5. All admissions made by Respondent are solely for final disposition of this matter
14 and any subsequent related administrative proceedings or civil litigation involving the Board and
15 Respondent. Therefore, said admissions by Respondent are not intended or made for any other
16 use, such as in the context of another state or federal government regulatory agency proceeding,
17 civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

18 6. Upon signing this Interim Order, and returning this document (or a copy thereof) to
19 the Board's Executive Director, Respondent may not revoke the consent to the entry of the Interim
20 Order. Respondent may not make any modifications to the document. Any modifications to this
21 original document are ineffective and void unless mutually approved by the parties.

22 7. This Interim Order is a public record that will be publicly disseminated as a formal
23 action of the Board and will be reported to the National Practitioner's Data Bank and on the
24 Board's web site.

1 8. If any part of the Interim Order is later declared void or otherwise unenforceable,
2 the remainder of the Interim Order in its entirety shall remain in force and effect.

3 9. Any violation of this Interim Order constitutes unprofessional conduct and may
4 result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
5 consent agreement or stipulation issued or entered into by the board or its executive director
6 under this chapter") and 32-1451.

7 
8 GERALD J. TAITAGUE, M.D.

DATED: 12-4-09

9
10 EXECUTED COPY of the foregoing mailed
this 4th day of December, 2009 to:

11 Gerald J. Taitague, M.D.
12 Address of Record

13 ORIGINAL of the foregoing filed
this 4th day of Dec, 2009 with:

14 Arizona Medical Board
15 9545 E. Doubletree Ranch Road
16 Scottsdale, AZ 85258

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18 Arizona Medical Board Staff
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